

### SECTION: REMARKS

This reply is submitted pursuant to 35 U.S.C. §132 and 37 C.F.R. §1.111. The Office Action was carefully considered by the undersigned attorney and applicants. Reconsideration of the application is respectfully requested.

**1. Summary of the Office Action.**

The drawings were objected to.

The disclosure was objected to.

Claims 1-8 were pending.

Claims 1-8 stand rejected under 35 U.S.C §112, first paragraph.

Claims 1-8 stand rejected under 35 U.S.C §112, second paragraph.

Claims 1-4 and 7-8 stand rejected under 35 U.S.C §102(b) over Oland.

Claims 1-4 and 8 stand rejected under 35 U.S.C §102(b) over Koehn.

Claims 1,3, 4-5 and 8 stand rejected under 35 U.S.C §102(b) over Calhoun, III et al.

Claims 6 stands rejected under 35 U.S.C §103(a) over Calhoun, III et al in view of Long et al.

Claims 7 stands rejected under 35 U.S.C §103(a) over Calhoun, III et al in view of Official Notice.

**2. Discussion.**

**Drawing Objection Under 37 CFR 1.83(a).** Applicants have amended the claims to recite that the holder comprises first and second flange means. This amendment is believed to clarify that the first flange means remote from the second resiliently moveable flange means is shown in the originally filed drawings as required by 37 CFR 1.83(a). In the embodiment shown in Figure 1, both the first and second flange means are illustrated as being resiliently moveable for convenience (this is

discussed on page 2, lines 20-21 of the specification). However, referring to page 5, lines 18-20 of the specification, it is discussed that one flange may be fixed. So, for example, flange 7 may be fixed and regarded as the first flange means and flange 8 is resiliently moveable and regarded as the second flange means. Applicants submit that the original drawings show every feature of the invention specified in the claims and that no drawing changes are necessary. In the event that the examiner still believes that amendment of the drawings is required, applicants would be pleased to submit a proposed drawing correction for the examiner's review.

**Specification Objection and Claim Rejection Under 35 USC 112, 1<sup>st</sup> ¶.** The specification was objected to and claims 1-8 were rejected under 35 USC §112, first paragraph. It is believed that the amendment of claim 1 and the discussion above will clarify meaning of the first flange means (optional resiliently moveable) and the second flange means, which must be resiliently moveable and remote and generally opposite from the first flange means. Applicants submit that the originally filed specification and drawings describe the subject matter defined by the claim and enable any person skilled in the art to make and use the subject matter defined by the claim. Withdrawal of the rejection is believed to be in order.

**Claim Rejection Under 35 USC 112 2<sup>nd</sup> ¶.** Claims 1-8 were rejected under 35 USC §112, second paragraph. For the reasons discussed above, applicants submit that the disclosure does specify a first flange means generally opposite and remote from a second flange means which is resiliently moveable. Regarding the frame surrounding the circumference of a disc, applicants submit that the claim language is consistent with the disclosure. Webster's Encyclopedic Unabridged Dictionary of the English Language defines "surround" as:

**surround** 1. to enclose on all sides; ... 2. to form an enclosure round; encircle:  
*A stone wall surrounds the estate....*

The text and drawings describe and show that the frame 1 encloses the circumference of the disc 2. Regarding the term "planar movement," applicants have amended claim 1 to substitute "to restrain movement of the disc in a direction perpendicular to the plane of the disc." Regarding claim 3, this claim is canceled in view of an amendment of claim 1. Regarding claim 5, this claim is amended to remove the multiple dependency. Regarding claim 8, this claim is canceled without prejudice. For these reasons, the claims particularly point out and distinctly claim the subject matter which applicants regard as the invention. Withdrawal of the rejection is believed to be in order.

**Claim Rejections Based On Applied Art.** Claim 1 was rejected under 35 USC §102(b) as being anticipated by Oland, by Koehn and by Calhoun, III et al. The claim is amended to patentably distinguish and limit over these applied references by defining the invention to require that, in combination with the existing elements of the claim, the holder has a closed slot formed in the frame member adjacent to the second flange means, whereby the second flange means is resiliently movable by virtue of the closed slot. This structure and function is not shown, suggested or made obvious by the applied references, either individually or in combination with each other. In contrast, Oland does not disclose a frame member that surrounds the disc circumference and the flange means are not moveable by virtue of closed slots. Calhoun, III et al. disclose a flange and a slot, but the slot is open-ended with the result that the flange is connected only at one end to the remainder of the frame. This results in a holder which is inherently weaker than applicants' invention, and also results in a reduction in the force by which the disc is retained in position, thereby increasing the risk of accidental or undesirable release of the disc. Koehn discloses flanges but they are of a completely different form than that of the present invention and no closed slot. In view of these structural and functional differences, and further in view of the advantages of

applicants' invention, applicants submit that this amendment patentably avoids the applied prior art.

Withdrawal of the rejection is requested.

**Claims 2 and 4-7.** These claims are all dependent upon claim 1; each such claim adds at least one further limitation and is therefore deemed to be allowable with its base and any intervening claim, at least for this reason.

**3. Conclusion.**

The claims pending after this amendment are believed to be patentable for the reasons stated above. The amendments are believed to be supported by the specification, claims and drawings as originally filed. It is believed that this case is now in a condition for allowance. Reconsideration and favorable action are respectfully requested.

**Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, she is invited to call at the number below.**

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a), provided a Petition is not submitted separately.

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

Any fees due are calculated as follows:

Number

Fee

TOTAL claims remaining over that previously paid for:

None

\$0

INDEPENDENT claims remaining over that previously paid for:

None

\$0

SUM claim fees:

\$0

EXTENSION fees:

\$0

OTHER fees:

\$0

TOTAL AMOUNT (if any)

\$0

☐ Paid by enclosed check.

☐ Paid by enclosed Credit Card Payment Form(s) PTO-2038.

Respectfully submitted,



Date:

8-25-03

Joel D. Skinner, Jr.  
Reg. No. 33,786

Skinner and Associates  
212 Commercial Street  
Hudson, Wisconsin 54016  
Tel.: (715) 386-5800  
FAX: (715) 386-6177  
Internet e-mail: info@skinnerlaw.com

cc: Richard Bailey, Esq. (For Records)

G:\CLIENTS\ARDavies (Marks & Clerk)(ARD)\PATENTS\DiskHolder\OA Reply.DOC